

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

V.

ANTONIO PEREZ

)
)
)
)

CRIMINAL NO. 2005-10072-GAO

**GOVERNMENT'S OPPOSITION TO DEFENDANT'S
MOTION FOR PRETRIAL RELEASE**

The government hereby opposes the motion of defendant Antonio Perez ("Perez") for release pending trial.

As grounds therefor, the government states that Perez is a native and citizen of the Dominican Republic. He was convicted in Middlesex Superior Court in 1995 on a trafficking cocaine charge, and sentenced to 12-15 years in state prison. Upon his release from state prison, he was deported from this country on March 10, 1999. He returned without inspection and was convicted under an alias of possession with intent to distribute heroin on January 25, 2005 in West Roxbury District Court. He thereafter came into ICE custody and is subject to a reinstated order of deportation. He is currently before this Court charged with unlawful reentry of a deported alien, under 8 U.S.C. §1326. Under the advisory guidelines, Perez's GSR, upon a timely plea will be 46-57 months.

Perez is not lawfully in this country. He was deported once before after committing a drug crime, and returned to commit another drug crime. He will be deported a second time after

serving whatever prison sentence is imposed in this case, in which the government has overwhelming evidence of his guilt. If Perez is released by this Court he has every incentive to flee, whether to another part of this county, or even to his native Dominican Republic, to which he will be deported at the conclusion of what is expected to be a lengthy prison sentence. If nothing else, he would almost certainly "self-deport" himself, and avoid the prison sentence that will precede his forced deportation. Accordingly, no set of conditions can be imposed by this Court that will reasonably assure the presence of the defendant as required in this case.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Timothy Q. Feeley
TIMOTHY Q. FEELEY
Assistant U.S. Attorney
(617) 748-3172

August 23, 2005

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

John F. Palmer, Esq.
24 School Street
Boston, MA 02108

This 23rd day of August 2005.

/s/ Timothy Q. Feeley
TIMOTHY Q. FEELEY
ASSISTANT UNITED STATES ATTORNEY